

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAMES DING, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

CHRISTIAN VARBANOVSKI, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

ETHAN SAM, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

NATHAN HIRSCH WARD, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

Case No.: 1:25-cv-02416-ER

Case No.: 1:25-cv-02422-AT

Case No.: 1:25-cv-02464-ER

Case No.: 1:25-cv-02495-ER

ALEXANDER THOMAS, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

Case No.: 1:25-cv-02500-JMF

JACKSON BUETTNER, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

Case No.: 1:25-cv-02503-AT

NISSIM RAM, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

Case No.: 1:25-cv-02510-ER

QUENTIN TURNER, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

Case No.: 1:25-cv-02552-ER

LIAM DUVALLY, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

AFIF TAI and JOSEPH COLLINS, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

NEW YORK UNIVERSITY,

Defendant.

ALONDRA MARISOL LOZANO, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

JACK MINANO, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

Case No.: 1:25-cv-02583-ER

Case No. 1:25-cv-02595-ER

Case No. 1:25-cv-02720-ER

Case No.: 1:25-cv-02750-UA

JENNIE WHALEN, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK UNIVERSITY,

Defendant.

Case No.: 1:25-cv-02926-KPF

STIPULATION AND ORDER TO CONSOLIDATE RELATED ACTIONS AND SET BRIEFING SCHEDULE FOR INTERIM CLASS COUNSEL APPLICATIONS

WHEREAS, Plaintiffs James Ding, Christian Varbanovski, Ethan Sam, Nathan Hirsch Ward, Alexander Thomas, Jackson Buettner, Nissim Ram, Quentin Turner, Liam DuVally, Afif Tai, Joseph Collins, Alondra Marisol Lozano, Jack Minano, and Jennie Whalen (“Plaintiffs”) filed the above-captioned 13 related class action lawsuits (“Related Actions”) against Defendant New York University (“NYU” or “Defendant”) following reports of the disclosure of personally identifiable information (“PII”) in a cybersecurity incident (the “Data Incident”);

WHEREAS, the Related Actions present common issues of law and fact making them ripe for consolidation pursuant to Fed. R. Civ. P. 42(a);

WHEREAS, Rule 42(a) provides that “[i]f actions before the court involve a common issue of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a);

WHEREAS, courts enjoy “broad discretion to determine whether consolidation is appropriate,” *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1284 (2d Cir. 1990), and in deciding the consolidation issue, courts consider “[w]hether the specific risks of prejudice and possible confusion [are] overborne by the risk of inconsistent adjudications of common factual and legal

issues, the burden on parties, witnesses, and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned of the single-trial, multiple-trial alternatives.” *Barkley v. Olympia Mortg. Co.*, 557 Fed. App’x 22, 25 (2d Cir. 2014) (quoting *Celotex*, 899 F.2d at 1284);

WHEREAS, this Court and other district courts within the Second Circuit routinely find that overlapping data breach class actions filed in the same court share common legal and factual issues and consolidate such cases. *See, e.g., In re GE/CBPS Data Breach Litig.*, No. 20-cv-2903 (S.D.N.Y.) (ECF No. 14); *Stewart v. Practice Resources LLC*, 2022 WL 17155996 (N.D.N.Y. Nov. 22, 2022); *Malinowski v. Int’l Business Machines Corp.*, No. 23-cv-8421 (S.D.N.Y.) (ECF No. 18); *Tuteur, et al. v. Metropolitan Opera Ass ’n*, No. 23-cv-03997 (S.D.N.Y.) (ECF No. 15).

WHEREAS, here, the Related Actions share common legal and factual issues, in that each of the Related Actions arise from the same Data Incident suffered by the same Defendant (NYU), are brought on behalf of similar or overlapping classes in the same court, and allege that NYU failed to adequately safeguard Plaintiffs’ and putative Class Members’ PII;

WHEREAS, the parties have met and conferred, and agree and stipulate, subject to Court approval, that the Rule 42(a) requirements are met here, and that it would be appropriate to consolidate the Related Actions, as this would streamline the litigation, and would not result in confusion or prejudice;

WHEREAS, the various Plaintiffs’ counsel who filed the Related Actions have diligently met and conferred about case leadership in this matter, but have not been able to reach an agreement on leadership, necessitating motion practice under Fed. R. Civ. P. 23(g);

WHEREAS, counsel for Defendant does not oppose the establishment of a Rule 23(g) case leadership briefing schedule, but Defendant takes no position on appointment of Plaintiffs’ lead counsel;

NOW THEREFORE, for the foregoing reasons, all the parties in the Related Actions **AGREE AND STIPULATE** as follows:

- (1) The Related Actions are appropriate for consolidation under Fed. R. Civ. P. 42(a), and shall be consolidated into the docket of the first-filed *Ding* action, No. 1:25-cv-02416.
- (2) The clerk shall administratively terminate all other Related Actions. The case file for the Consolidated Action will be maintained under Master File No. 1:25-cv-02416 (i.e., *Ding*).
- (3) Any action subsequently filed in, transferred to, or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action shall be consolidated with the Consolidated Action for pre-trial purposes. The parties shall file a Notice of Related Action whenever a case that should be consolidated into this action is filed in, transferred to, or removed to this District.
- (4) If the Court determines that the case is related, the clerk shall:
 - a. Place a copy of this Stipulated Order in the separate file for such action;
 - b. Serve on Plaintiffs' counsel in the new case a copy of this Stipulated Order;
 - c. Direct that this Stipulated Order be served upon Defendant(s) in the new case; and
 - d. Make appropriate entry in the Master Docket.
- (5) Plaintiffs' counsel with existing cases may submit applications for appointment of interim class counsel (individually or as a group or slate) under Fed. R. Civ. P. 23(g). Any applications should be filed within 7 days of the Court signing and entering an Order granting this stipulation. Individual submissions are limited to 5 pages and group or slate submissions are limited to 10 pages, all exclusive of firm resumes which are the only exhibits that may be submitted along with the applications. No responses or replies are permitted.

(6) A Consolidated Class Action Complaint shall be filed within 45 days following the date of the Court's order appointing interim class counsel. Defendant need not respond to any of the individual complaints filed in any of the Related Actions. Following appointment of interim class counsel, the parties shall confer and submit for the Court's consideration an agreed-upon briefing schedule for any motion to dismiss briefing.

SO STIPULATED BY THE PARTIES.

Dated: June 13, 2025

Respectfully submitted,

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SO ORDERED:

Dated: June _____, 2025